

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MELVIN MARCUS JOHNSON JR.,

CASE NO. 3:23-cv-05585-BHS

Petitioner,

## ORDER

V.

JASON BENNETT,

## Respondent.

13        THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's  
14      Report and Recommendation (R&R), Dkt. 6, recommending that the Court dismiss pro se  
15      petitioner Melvin Marcus Johnson, Jr.'s 28 U.S.C. § 2254 habeas petition, Dkt. 1, for  
16      failure to prosecute. Johnson has not objected, or otherwise attempted to pursue the  
17      petition he filed in June 2023.

18 A district court “shall make a de novo determination of those portions of the report  
19 or specified proposed finding or recommendations *to which objection is made.*” 28  
20 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute  
21 makes it clear that the district judge must review the magistrate judge’s findings and  
22 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires  
2 “specific written objections to the proposed findings and recommendations” in the R&R.  
3 Fed. R. Civ. P. 72(b)(2).

4 The R&R is **ADOPTED**. This matter is **DISMISSED** without prejudice for  
5 failure to prosecute.

6 The Clerk shall enter a **JUDGMENT** and close the case.

7 **IT IS SO ORDERED.**

8 Dated this 2nd day of November, 2023.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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